

~~CONFIDENTIAL~~March 30th, 1960COCOM Document No. 3714.60/5BCOORDINATING COMMITTEERECORD OF DISCUSSIONONTHE DEFINITION IN FRENCH OF ITEM 1460March 24th, 1960

Present: Belgium (Luxembourg), Canada, France, Germany, Italy, Japan, Netherlands, Turkey, United Kingdom, United States.

References: Documents CH/593 and 1595.

1. The GERMAN Delegate referred to the French proposal concerning the export to China of six Armagnac aircraft (CH/1593) and to the record of the discussions to which this proposal had given rise (CH/1595). The Delegate stated that the competent German authorities had given further study to the French case and had reached the final conclusion that these aircraft were not covered by Item 1460, but could be freely exported by virtue of part (a)(i) of that Item. The German officials had perceived that, between parts (i) and (ii) of the definition in English of Item 1460, the word "or" appeared very clearly, whereas in the French version the word "ou" had been omitted, giving the impression in this latter case that the two conditions defined in sub-paragraphs (i) and (ii) must exist simultaneously before the exclusion clause could apply. The Delegate stated that it was the French version which was erroneous, for it was clear from the wording of sub-paragraphs (i) and (ii) that logically one condition only was necessary and sufficient to exclude embargo. As the French aircraft concerned were of types and series which had been in normal civil use for more than two years and as, furthermore, they contained no equipment covered by Items 1485 and 1501, they could, whatever their weight, be exported freely. Consequently, the German Delegate proposed that an amendment of the definition in French of Item 1460 should be issued immediately in order to correct the error and avoid for the future the repetition of misunderstandings of this nature.

2. The FRENCH Delegate expressed his gratitude to the German Delegate for having drawn the French Delegation's attention to this translation error, which had been the origin of the French memorandum on the subject of this export. The Delegate stated that he had at once informed the competent officials in the French Air Ministry, who, possessing only the French version of the Lists, had quite rightly considered it necessary to request the Coordinating Committee's views as to this export, although in reality these aircraft could of course be exported freely. The Delegate added that he could only therefore associate himself fully with his German colleague's suggestion, and in this connection he would also welcome the initiation of a word-by-word comparison of the French and English versions of the Lists in order to avoid the repetition of similar cases.

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3. The UNITED KINGDOM Delegate stated that he too had received a communication from his authorities stating that in point of fact the French case need not have been submitted to the Committee, as the aircraft in question were not covered by Item 1460. He was therefore able to give unreserved support to the suggestions by the French and German Delegates regarding the immediate issue of an amendment to the definition in French of Item 1460.

4. The UNITED STATES Delegate noted that during the Committee's first discussion of the French proposal (CH/1593) he had called attention to the question of interpretation (CH/1595, paragraph 7). His authorities had initially doubted that the planes in question were covered by the definition of Item 1460, but when all other delegations had proceeded on the promise that a Committee exception was required, the United States Government had studied the question further, not only in terms of the editorial disparity between the English and French texts, but also in terms of the intent of the definition, and they too agreed with the German Delegation that the planes were not covered by the definition of Item 1460. The Delegate, further, supported amendment of the French version of Item 1460 to add the omitted word "or" where it appeared in the English version. The Delegate noted, however, that the substantive comments he had made with respect to the proposed French export (CH/1595, paragraphs 11 and 15) had been framed independently of the question of the coverage of Item 1460, and remained valid.

5. The COMMITTEE agreed to amend the definition in French of Item 1460 (a)(i) in the following manner:

"Avions; leurs moteurs et équipements:

- (a) avions non dénommés ailleurs à l'exclusion de ceux qui ne contiennent ou ne renferment aucun article de la Liste de Matériel de Guerre et
 - (i) appartiennent à des types et séries qui ont été depuis plus de deux ans d'un usage civil normal ou
 - (ii) appartiennent etc... (no change)."

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